

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT D. MAWHINEY,

)

8:09CV421

)

Plaintiff,

)

)

v.

)

**MEMORANDUM
AND ORDER**

)

SKYLARK MEATS, LLC,

)

)

Defendant.

)

This matter is before the court on Defendant's Suggestion of Death. (Filing No. [12](#).) Defendants represent to the court that Plaintiff died on or about January 24, 2010. ([Id.](#))

Plaintiff's survivors will be permitted 90 days in which to submit an appropriate motion for substitution in accordance with [Federal Rule of Civil Procedure 25](#). If no motion is filed, this matter will be dismissed. [Kaubisch v. Weber](#), 408 F.3d 540, 542 (8th Cir. 2005).

IT IS THEREFORE ORDERED that:

1. Plaintiff's survivors will be permitted 90 days in which to submit an appropriate motion for substitution.

2. The Clerk of the court is directed to set a pro se case management deadline in the matter with the following text: June 2, 2010: Deadline for Plaintiff's survivors to submit a motion for substitution.

March 4, 2010.

BY THE COURT:

Richard G. Kopf

United States District Judge